

Application Serial No. 10/553,372
Docket No. 1093-139 PCT/US
Response to August 20, 2008
Non-Final Office Action

REMARKS

The Non-Final Office Action mailed August 20, 2008 and the references cited therein have been carefully considered. Claims 1-27 are now pending in the application. Claims 1, 4, 14, 15, 23, 25 and 27 have been amended to address the 35 USC § 112, second paragraph rejection, as addressed further below. Thus, no new matter has been added by amendments to the claims.

Applicant respectfully acknowledges and appreciates the indication of allowable subject matter, in particular Claims 2-12, 24, 26 and 27.

Certified Copy of Priority Document

The subject Office Action, at page 2, indicates that a certified copy of the priority document (DE 10318157.1) has not been received in this National Stage application. However, Applicant respectfully would like to point out that the Notice of Acceptance of Application Under 35 USC. 371 and 37 CFR. 1.495, mailed August 2, 2006, clearly acknowledges receipt of the priority document. Accordingly, Applicant respectfully requests reconsideration regarding receipt of the priority document. Additionally, Applicant hereby submits a verified translation of priority document DE 10318157.1 in accordance with 37 CFR 1.55.

Objections to the Drawings

The drawings are objected to for failing to comply with 37 CFR 1.84(p)(5) because they do not include reference numerals “64” and “63” mentioned in the specification. It should be noted that the use of reference numerals “64” and “63” in the specification was a typographical error. Applicant hereby presents amendments to the specification, particularly the paragraphs from page 15, line 31 to page 16, line 13 to correct this error. Both reference numerals in those paragraphs should have made reference to element “54”. Support for this amendment can be found at page 14, lines 8-10. Accordingly, Applicant respectfully requests the objection to the drawings be reconsidered and withdrawn.

Claim Rejections under 35 USC § 112

In the Office Action, Claims 1, 4, 14 and 23 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for reciting a broad recitation followed by a narrow recitation preceded by “in particular...” Accordingly, Applicant has hereby deleted such recitations from Claims 1, 4, 14 and 23 and therefore requests that this rejection be withdrawn.

Additionally, Claim 25 is rejected for using the phrase “and the like.” Applicant has hereby deleted this phrase from the claim and therefore requests that this rejection be withdrawn.

Further, Claims 15, 23 and 27 are rejected for reciting the features “the structured layer,” “the transfer film” and “the LCP material,” respectively, which lack antecedent basis. Claim 15 has been amended to replace “the structured layer” with --the diffractive structure--. Support for

this amendment can be found in the specification at page 12, lines 10-17. Claim 23 has been amended to replace “the transfer film” with --the thin film--, consistent Claims 21 and 22. Claim 27 has been amended to replace “the LCP material” with --the liquid crystal material--. Support for this amendment can be found in the specification at page 2, lines 8-22. Applicant believes these amendments eliminate the objectionable claim language and therefore requests that these rejections be withdrawn.

Claim Rejections under 35 USC § 103

Claims 1, 13-16, 23 and 25 have been rejected under 35 U.S.C. §103(a) as being unpatentable over EP 1 336 874 to Kuntz (**EP’874**) in view of EP 1 203 968 to Nishimura (**EP’968**). As indicated above, Applicant hereby submits a verified translation of the foreign priority papers in accordance with 37 CFR 1.55. Applicant respectfully traverses this rejection as being moot, since the subject priority predates the publication of EP’874. Accordingly, Applicant hereby respectfully requests reconsideration and withdrawal of the current rejection of the claims under 35 U.S.C. §103(a) as being unpatentable over EP’874 in view of EP’968.

Conclusion

Applicant submits that the amended claims, particularly independent claims 1 and 25, are clearly distinguishable from the cited prior art references. Also, claims 2-24 and claims 26-27, which ultimately depend from Claims 1 and 25, respectively, are similarly patentable over the art of record by virtue of their dependence. Also, Applicant submits that claims 2-24 and claims 26-

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27 define patentable subject matter in their own right. In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and allowance of the claims presented.

If the Examiner has any questions or suggestions to expedite allowance of this application, she is cordially invited to contact Applicants' attorney at the telephone number provided.

Respectfully submitted,

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